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EXAMINER

ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 11/26/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/756,819

Applicant(s)

ANDERSON, THOMAS G.

Examiner

Trent J Roche

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-23, 27-30, 32-49 and 53 is/are rejected.
- 7) ☒ Claim(s) 8, 24-26, 31, 50-52 and 54-56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-56 have been examined.

Claim Objections

2. Claim 56 is objected to because of the following informalities: The claim does not end in a period. Appropriate correction is required.
3. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim is interpreted to be dependent on claim 5.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 9-23, 27-30, 32-49 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,778,368 to Hogan et al.

Regarding claim 1:

Hogan et al teach:

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- a method of using a computer network to facilitate distributed software development, using a pool of software modules maintained with a module manager (Note Fig. 10 and the corresponding section of the disclosure.)
- establishing a connection via said network between a user computer and a module manager (Note Fig. 1 and the corresponding section of the disclosure.)
- accepting at the module manager an indication from the user computer specifying a submission or a download (“for checking-in or checking-out Repository Units from the Repository database.” in col. 5 lines 1-2. The computer must make an indication as to whether it is checking-in or checking-out a Unit.)
- accepting at the module manager access conditions related to a submit software module (“Attributes may also comprise an Access List so as to limit access only users or user groups that appear on the Access List.” in col. 9 lines 52-54)
- accepting at the module manager access information (Note Fig. 3 and the corresponding section of the disclosure.)
- storing at the module manager the SAC (user computer access conditions) and SAI (user computer access information) as part of said pool (“allows the user to select the files to be combined into a Repository Unit...Allows the user to assign Attributes to the Repository Units...” in col. 16 lines 50-53)
- accepting at the module manager information from the user computer identifying a download software module to be downloaded from said pool (“The Repository Units are then scrutinized by the user and thereafter identified for downloading via download instructions to the Repository Server...” in col. 13 lines 62-65)

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- accessing from the pool the access conditions associated with the DSM (download software module), and accepting at the module manager information from the user computer indicating that the DSM are accepted (“the user has access to all Attributes that are within the users security limits.” in col. 13 lines 8-9. Further, “once the download instructions are processed by the Repository Server, a FTP or HTTP download of the Repository Unit is generated.” in col. 13 lines 65-67. The download instructions indicate that the user computer has accepted the DSM for download.)
- accessing from the pool the access information corresponding to the DSM (download software module), and communicating the access information from the module manager to the user computer (“The Repository Units are then scrutinized by the user and thereafter identified for downloading via download instructions to the Repository Server...” in col. 13 lines 62-65. Further, “once the download instructions are processed by the Repository Server, a FTP or HTTP download of the Repository Unit is generated.” in col. 13 lines 65-67)

as claimed.

Regarding claim 2:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose a computer network comprising the internet (Note Fig. 1)

Regarding claim 3:

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The rejection of claim 1 is incorporated, and further, Hogan et al disclose maintaining a user database of users and associated access privileges as claimed (Note Fig. 3 and the corresponding section of the disclosure.)

Regarding claim 4:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose communicating from the module manager to the user computer a set of allowable access conditions as claimed (“wherein the check-in means comprises a template in which attributes of the...software are entered.” in col. 22 lines 36-38)

Regarding claim 5:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose accessing pool access conditions from the module manager as claimed (“the proper protocols for both technology partners...must be met when checking-in and checking out RTES, as well as accessing certain Repositories.” in col. 19 lines 63-65)

Regarding claim 6:

The rejection of claim 5 is incorporated, and further, Hogan et al disclose prohibition against distributing modifications as claimed (“the proper protocols for both technology partners and product development groups...must be met when checking-in and checking out RTES...” in col. 19 lines 61-64.)

Regarding claim 7:

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The rejection of claim 1 is incorporated, and further, Hogan et al disclose an indication of whether a software module is available for commercialization as claimed (“this allows Customers to purchase RTES software products.” in col. 20 lines 4-5. If customers can purchase a RTES product, then the unit must inherently have been indicated as available for purchase.)

Regarding claim 9:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose accepting at the module manager the SSM from the user computer as claimed (“The product development groups are further able to deposit...units to the RTES Repository such as new RTES Components...” in col. 19 lines 42-44)

Regarding claim 10:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose accepting at the module manager a computer network identifier as claimed (Note Fig. 3 and the corresponding section of the disclosure.)

Regarding claim 11:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose using electronic commerce contracting as claimed (“This allows customers to purchase RTES software products...” in col. 20 lines 4-5. Further, “This allows for the development and re-use of new products, and new features within existing products.” in col. 19 lines 47-49. The intellectual property is transferred to the product development groups, who can develop new products with the RTES software products.)

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Regarding claim 12:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose a database of software module access information as claimed (“The product development groups are further able to deposit...units to the RTES Repository such as new RTES Components...” in col. 19 lines 42-44.

For the Repository to keep track of the software units, including the deposited units, it must inherently add an entry corresponding to the new deposited unit.)

Regarding claim 13:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose the identify download step as claimed (“The Repository Server searches...and routes a list of Repository Units to the user’s desktop...The user then selects certain Repository Units from the Component List...and thereafter identified for downloading via download instructions...” in col. 13 lines 55-65)

Regarding claim 14:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose the identify download step as claimed (Note Fig. 2a and the corresponding section of the disclosure)

Regarding claim 15:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose the download conditions step as claimed (Note Fig. 4 and the corresponding section of the disclosure.)

Regarding claim 16:

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The rejection of claim 1 is incorporated, and further, Hogan et al disclose the download conditions step as claimed ("Once the Repository Unit is checked-out, the repository tool create a purchase record..." in col. 15 lines 15-16)

Regarding claim 17:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose the transmit download step as claimed ("Once the download instructions are processed by the Repository Server, a FTP or HTTP download of the Repository Unit is generated." in col. 13 lines 65-67)

Regarding claim 18:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose the transmit download step as claimed (Note Fig. 3 and the corresponding section of the disclosure.)

Regarding claim 19:

The rejection of claim 1 is incorporated, and further, note the rejection regarding claim 11.

Regarding claim 20:

The rejection of claim 1 is incorporated, and further, Hogan et al disclose fee information as claimed ("how many times a Particular Repository Unit was purchased, and the purchase price." in col. 17 lines 65-67)

Regarding claim 21:

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The rejection of claim 20 is incorporated, and further, Hogan et al disclose communicating the fee information as claimed (“This allows Customers to purchase RTES software products.” in col. 20 lines 4-5. Further, the user would inherently see the fee information before purchasing the product, as the fee is part of the attribute information associated with the product.)

Regarding claim 22:

The rejection of claim 20 is incorporated, and further, Hogan et al disclose storing in a fee-database information relating to the download as claimed (“Purchase Count and Amount to record how many times a Particular Repository Unit was purchased, and the purchase price.” in col. 17 lines 65-67)

Regarding claim 23:

The rejection of claim 22 is incorporated, and further, Hogan et al disclose communicating the fee to the user computer as claimed (“This allows Customers to purchase RTES software products.” in col. 20 lines 4-5. Further, the user would inherently see the fee information before purchasing the product, as the fee is part of the attribute information associated with the product.)

Regarding claim 27:

Hogan et al teach:

- a method of using a computer to accept software modules into a module pool (Note Fig. 10 and the corresponding section of the disclosure. Further, “tools that allow software engineers to contribute objects to the Repository database...” in col. 8 lines 56-57.)

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- accepting access conditions related to a submit software module for submission to said pool (“Attributes may also comprise an Access List so as to limit access only users or user groups that appear on the Access List.” in col. 9 lines 52-54. Further, “Allows the user to assign Attributes to the Repository Units.” in col. 16 lines 52-53)
- accepting access information related to the submit software module (Note Fig. 3 and the corresponding section of the disclosure.)
- storing at the module manager the SAC (user computer access conditions) and SAI (user computer access information) as part of said pool (“allows the user to select the files to be combined into a Repository Unit...Allows the user to assign Attributes to the Repository Units...” in col. 16 lines 50-53)

as claimed.

Regarding claim 28:

The rejection of claim 27 is incorporated, and further, Hogan et al disclose maintaining a user database of users and associated access privileges as claimed (Note Fig. 3 and the corresponding section of the disclosure. The user will not be able to submit to the pool if they are not a valid user.)

Regarding claim 29:

The rejection of claim 27 is incorporated, and further, note the rejection regarding claim 4.

Regarding claim 30:

The rejection of claim 27 is incorporated, and further, note the rejection regarding claim 7.

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Regarding claim 32:

The rejection of claim 27 is incorporated, and further, note the rejection regarding claim 9.

Regarding claim 33:

The rejection of claim 27 is incorporated, and further, Hogan et al disclose accepting an identifier indicating how the submit software module can be accessed as claimed (“Allows the user to assign Attributes to the Repository Units...” in col. 16 lines 52-53)

Regarding claim 34:

The rejection of claim 27 is incorporated, and further, note the rejection regarding claim 12.

Regarding claim 35:

Hogan et al teach:

- accepting information identifying a download software module to be downloaded from said pool (“The Repository Units are then scrutinized by the user and thereafter identified for downloading via download instructions to the Repository Server...” in col. 13 lines 62-65)
- accessing from the pool access conditions associated with the DSM (download software module), and accepting information indicating that the DSM are accepted (“the user has access to all Attributes that are within the users security limits.” in col. 13 lines 8-9. Further, “once the download instructions are processed by the Repository Server, a FTP or HTTP download of the Repository Unit is generated.” in col. 13 lines 65-67. The download instructions indicate that the user computer has accepted the DSM for download.)

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- accessing from the pool the access information corresponding to the DSM (download software module), and communicating the access information ("The Repository Units are then scrutinized by the user and thereafter identified for downloading via download instructions to the Repository Server..." in col. 13 lines 62-65. Further, "once the download instructions are processed by the Repository Server, a FTP or HTTP download of the Repository Unit is generated." in col. 13 lines 65-67)

as claimed.

Regarding claim 36:

The rejection of claim 35 is incorporated, and further, Hogan et al disclose maintaining a user database of users and associated access privileges as claimed (Note Fig. 3 and the corresponding section of the disclosure. The user will not be able to receive transmissions from the pool if they are not a valid user.)

Regarding claims 37 and 38:

The rejection of claim 35 is incorporated, and further, note the rejection regarding claim 4 and 5, respectively.

Regarding claim 39:

The rejection of claim 38 is incorporated, and further, note the rejection regarding claim 6.

Regarding claims 40-45:

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The rejection of claim 35 is incorporated, and further, note the rejection regarding claims 13-18, respectively.

Regarding claim 46:

The rejection of claim 35 is incorporated, and further, note the rejection regarding claim 19.

Regarding claims 47 and 48:

The rejection of claim 35 is incorporated, and further, note the rejection regarding claims 21 and 22, respectively.

Regarding claim 49:

The rejection of claim 47 is incorporated, and further, note the rejection regarding claim 23.

Regarding claim 53:

Hogan et al teach:

- a method of using a computer to facilitate distributed software development (Note Fig. 10 and the corresponding section of the disclosure.)
- accepting submitted software modules at a module manager (“allow software engineers to contribute objects to the Repository database...” in col. 8 lines 56-57)
- accepting access information specifying how to access the submitted module (“Allows the user to assign Attributes to the Repository Units...” in col. 16 lines 52-53)
- storing the access conditions and access information as related entries in a database (“allow software engineers to contribute objects to the Repository database...” in col. 8 lines 56-57.

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Further, "Allows the user to assign Attributes to the Repository Units..." in col. 16 lines 52-53)

- allowing access by users to modules from the module manager (Note Fig. 1 and the corresponding section of the disclosure.)
- determining a desired software module from the database to be accessed (Note Fig. 2a and the corresponding section of the disclosure.)
- determining if the user's desired access complied with the access conditions (Note Fig. 3 and the corresponding section of the disclosure. Further, "so as to limit access only users or user groups that appear on the Access List." in col. 9 lines 53-54.

as claimed.

Allowable Subject Matter

6. Claims 8, 24-26, 31, 50-52 and 54-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday-Friday, 9:00 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Trent J Roche
Examiner
Art Unit 2124

TJR

A handwritten signature in black ink, reading "Anthony Nguyen-Ba". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

**ANTHONY NGUYEN-BA
PRIMARY EXAMINER**